

681 As far as penalties were concerned, Mossi justice was stern and thus ran counter to the "patriarchal" justice of the Bobo, Gourounsi, etc. Murder was always punished by death (except in the case of nobles). As for thefts, physical aggression, and matters involving debts, they were adjusted in the manner described when we discussed the Yarsé, who were subject to Mossi justice since they were settled in their territory /not translated/.

[154] We shall not, therefore, go over this again. Let us merely note that the Mossi, being fetishists, were familiar with matters of sorcery.

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754 At Dembo, in the Yatenga area, when a young person died suddenly, "red powder" would be mixed in water and everyone would drink of it while swearing by Tensé /Tr.: the earth deities/ that he was innocent. The culprits would die. In other villages of the Yatenga area, people suspected of dealing in sorcery had to drink earth taken from the spot where sacrifices were performed and diluted in water. Those /581/ who refused to drink and swear were killed. At Kabayoro, a Mossi village located in the canton of Koumbili, if a man or woman suddenly ill, it was said that it was So-and-So, a sorcerer, who had eaten the soul. If the sick person died, his hands were washed with water and the liquid was given to the sorcerer to drink. He had to swear his innocence and invoke death unto himself if he should lie. If guilty he died; if innocent the water did him no harm. If he refused to swear and drink, he was put in irons and left there to die of hunger and thirst. The bara /soothsayer/ played no role in such occurrences. It was the sick person who pointed out the sorcerer. If the patient failed to designate someone, however, this meant that he was simply dying of illness.

[761] 701 Now for the army and police. "In case of war," says Moulines, "the province chiefs summoned the canton chiefs, who hastened forth with all their able-bodied men. They all gathered behind the Tamsaba and followed him.

625 "As for policing, it was taken care of by village and canton chiefs, who arrested culprits with the help of their own followers, or, if necessary, by summoning the whole male population of the village."

11: Skinner E-5 (1955-1957) 1964

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[Pre-World War I Period]

### THE COLONIAL PERIOD

monial activities, especially since they were considered interesting "feudal" anachronisms to be shown to visiting officials and travelers. He also retained the power to appoint district chiefs, but the French often vetoed men they disliked and suggested that other candidates be elected. He also lost all control over his provincial administrators. The administrative chain now extended from the cercle commanders, through the provincial ministers and district chiefs, down to the village chiefs. Many provincial ministers, out of loyalty to the traditional system, occasionally briefed the Mogho Naba on the policies the French had ordered them to carry out, and told him about the state of affairs in the districts. This was completely unofficial if not illegal, but it made little difference to the French.

One serious blow to the power of the Mossi chiefs, especially on the district level, was their loss of judicial autonomy. Mossi country was subjected to the Indigénat, a rather harsh code of law for new colonies, which was promulgated by a decree of September 1887. Under this code, administrators could hold summary trials and punish any Moaga, whether chief or commoner. In June 1905, the Mossi chiefs regained some of their judicial power when a supplementary decree established village, district, and cercle courts throughout Haut-Sénégal et Niger.<sup>15</sup> Mossi village chiefs regained their police powers and the right to reconcile disputes among their people, but their decisions could be appealed to a district court. The district chief heard appeals and judged civil and criminal cases, but in all deliberations he was aided by two assessors appointed by the Governor. His judgment could be appealed to a cercle court, which was presided over by a European, who was assisted by two Africans. They heard appeals and judged crimes for which the penalty could be no more than five years. Penalties handed down by this court could be appealed to the Supreme Court of the Federation of French West Africa in Dakar, which judged all major crimes.

Thus the Mossi chiefs did regain part of their judicial power; but because the decree of 1905 did not abolish the Indigénat, local French administrators could easily countermand this power. Moreover, some administrators, dissatisfied with the Mossi courts and possibly resentful at their own loss of judicial power, sent numerous complaints to Dakar about the incompetence of the chiefs and the injustices perpetrated by village and district courts. As a result, a decree of August 1913 abolished the judicial power of the Mossi and of all other African chiefs, and instructed them to refer all litigation to courts at the poste, subdivision, and cercle levels.<sup>16</sup>

During the period before the First World War, the Mossi chiefs lost not only their judicial power but also much of the economic and religious basis of their political power. The French administration abolished slavery

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